



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/220,617	12/24/98	JOHNSON	E 6029-7976

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HM12/0615

EXAMINER

HAYES, R

ART UNIT

PAPER NUMBER

1647

DATE MAILED:

06/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/220,617			

EXAMINER	
ART UNIT	PAPER NUMBER
1647	16

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

The reply filed on 4/05/01 is not fully responsive to the prior Office action and the new AIPA rules under 37 CFR 1.121(a) and (b) on the proper procedure for submitting amendments to the specification or the claims after March 1, 2001. For example, *replacement paragraphs/claims* are now required under 37 CFR 1.121(a) or (b), versus replacement pages, along with "marked up" versions of the prior pending paragraph/claim illustrating all changes relative to the prior paragraph/claims, versus that indicated on pages 1-2 of the response. In addition, Figure 20A now incorrectly states "SEQ ID NO:137" vs. "141" (i.e., as amended in paper #12), no "marked up" copy changing Figure 20B- "SEQ ID NO:142" to "146" exists, and page 10 (Figs. 16-18) of the specification is incorrect in not listing the SEQ ID NOs previously inserted from paper #9 into the new copy of page 10. Therefore, the amendment of 4/05/01 (paper #15) has not been entered.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes (Art Unit 1647) whose telephone number is (703) 305-3132.

The examiner can normally be reached on Monday through Thursday, and alternate Fridays from 8:30 AM to 5:00 PM.

Robert C. Hayes, Ph.D.
June 13, 2001



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www.uspto.gov

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EXAMINER

ART UNIT

PAPER NUMBER

16

DATE MAILED:

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 4/5/01 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☒ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other _____
- ☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Legal Instruments Examiner

Gary L. Kunz
GARY L. KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1000